The Manchester Journal.

D. K. SIMONDS, Editor & Proprietor.

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THE ALABAMA CLAIMS.

England is still very much excited over the Alabama claims, and no great wonder, for if claims for indirect damages are admitted, it opens the door for damage in the decline of our commerce, the expense of fitting out cruisers to capture the rebel steamers, and the expense of the prolongation of the war on account of the aid and comfort furnished the enemy. The amount of damage claimed, or whether the arbitrators would allow any of them, is uncertain, but the English nation will try and keep them all out.

Secretary Fish sent a very mild note to the British government, saying that his object in bringing up the claims for indirect damages was to have the whole subject brought before the board and leave nothing to be settled in future. On Saturday Lord Granville dined Minister Scheuck, and if difficulties can be calmly talked over after a full meal, we can hope for a settlement without war.

THE FARM-BUYING SWINDLE.

This new "gum-game," as the farmers call it, opens with an ostensible offer to buy real estate and the stock upon it, but closes with the disappearance of the latter from the farmer's premises, without his receiving an adequate compensation. The swindler makes a tempting offer for the farm, causes stories to circulate of his wealth and solidity, and proposes to take a deed of the real estate, conditioned for the payment of the full amount of the purchase, including personal property, possession of the *real estate* to be given at a future day, and the first note payable, also at a future day. The deed and notes are executed. A bill of sale of all the stock, personal property, etc. is made out to him, and as the purchase money is included in the note secured by the conditional deed, it is receipted and delivered. The personal property is immediately or soon after either claimed by Mussey or sold to or attached by a third party, "an innocent purchaser in good faith," of course, and removed. In one case a bill of sale covered property to the value of over $1600, but fortunately this one was not consummated by delivery. This game did not work very well in Shelburn, where first tried, as the wary farmers refused to deliver their stock. In Stockbridge a number of farmers were operated upon. Geo. L. Mussey, the principal party in these swindles, then came to Andover and called on A. L. Field, and, after getting the price for his farm, proceeded to take an inventory of the personal property, Mussey writing it down as Field enumerated, after which the latter signed it. It proved to be a bill of sale. Mussey proceeded to Field's house and drove off the stock, carried away the grain, etc., and took even the stores out of the house. Field followed him to Ludlow and told his story. Mussey was told to drive back the stock and other property. He refused, and was stripped to the waist, tarred and feathered and ridden on a rail. The property was taken back to the owner Mussey has since sent a very gassy defense to the Rutland *Herald*, in which he challenges proofs, but denies very little of what is alleged against him.

THE HOUSATONIC RAILROAD.

We copy the following from the Connecticut Western *News* with the conviction that a little more of Supreintendent Franklin's kind of management would be benefical to the Harlem Extension

The Housatonic railroad is doing an immense business both in freighting and passenger traffic. The peculiar economical management of the road previous to Mr. Franklin's administration, was such as to create in the minds of the people who were its patrons, an impression that can hardly be regarded as for the best interests of the road to have so extensively prevalent. The fewest repairs possible, that would render it anything like safe for travel, were put upon the road in its every feature.

Only one passenger, and one freight train each way daily were all that were thought necessary, and those trains were comparatively poorly patronized. From five to ten cars generally composed their freight trains.

The disposition of the road at that time was plainly apparent, and by everybody generally understood. The *accommodation* of the public was not of the slightest importance in their estimation, and by them was not to be studied. They thought the people along the line of the road *obliged* to patronize them, and conducted themselves with due respect to this opinion. That this plan of managing a railroad is one of the poorest; that they were laboring under a delusion that was rapidly proving fatal, rapidly sapping the life-blood from the road, cannot better be illustrated, than by an examination of the history of the road at that time and note the dividends regularly *not* going in the pockets of the stockholders.

Let us look at the same road under an entirely different management. When Mr. H. W. Franklin stepped into the captains office and grappled the rudder of the concern, he immediately effected a complete summersault in the affairs of the road. Thousands of tons of new iron rails; hundreds of thousands of new ties were ordered; large additional help provided; bridges ordered rebuilt; (not repaired;) new depots built; new, heavier and better locomotives and new cars were provided, and everything done that would conduce to the one grand p'an uppermost in his mind; viz., to make the Housatonic railroad second to none in the United States; and what is the result.

If the stockholders at first stared with amazement at this extravegant expenditure, ask them today how they regard the matter. They will tell you Mr. Franklin's head is square on his shoulders; that he thoroughly understands his business. The most powerful locomotives draw trains of from 25 to 30 heavily loaded cars of freight; two of these trains each way running regularly every day, beside extra freight trains which go at the call of business for them, and which seem to be necessary nearly, if not quite, every day. Two through passenger trains each way daily; besides regular special trains between Barrington and Pittsfield and New Milford and Bridgeport. There trains are *liberally* patronized. We repeat: ask the stockholders of that road to-day how they like this way of doing things. With their pockets pregnant with dividends and their faces beaming with smiles, they will tell you that they are capable of rendering a different definition to the word economy from what was in their dictionary ten years ago.

Nor are exorbitant tariffs on the road the cause of their fat pockets. High freight and passenger tariffs were prevalent on this road at the time it was being managed economically, and the prejudice against the road, engendered by this management, it has been a difficult task to overcome. The present tariffs for freight and passenger traffic are really as low as the average of railroads throughout the country. A careful comparison of the rates of this road with those of others, will convince anybody unless he be so blind that he won't see.

By the way, a little attention to this item of tariffs, might not be out of place in the business of the officials of the Connecticut Western railroad. There are many who think this new road has commenced with pretty stiff prices for freighting, and we see by our Hartford exchanges some considerable complaint of citizens at that end of the line, of passenger rates. The road is very popular now simply because it is a new road, but this novelty will soon pass away and the people will then regard it in a *business point of view*.

To return to the Housatonic road, which is our present object of attention, it is sufficient to say that—unlike former policy—Mr. Franklin's ideas of successful railroad management, embody among those above enumerated, that of *accommodating the public*, and while they serve their own interest, as it is right the company should do, they will labor to make it pleasant and for the interest of the people to patronize their road."

CORRESPONDENCE.

THE HABEAS CORPUS.

Mr. Editor:

We have been taught to believe that the writ of habeas corpus is the great writ for the security of personal liberty, guaranteed to the subject by the constitution and issues as a matter of course; and its remedial effects necessarily summary and expeditious.

At the last session of the Supreme Court in Bennington county, it was attempted to apply this great writ to the cases of Lawrence and Farwell, who were confined in jail and denied the privilege of giving bail. The object of the writ, of course, was to procure an investigation so far as to show that the crime for which they were committed was not murder in the first degree, and therefore bailable.

First—The Supreme Court did not seem to notice the impropriety, or even hardship, of unnecessarily keeping two men, innocent for aught they know, in jail six months to await the action of the grand jury; but did discover a very great impropriety in hearing a single witness relate the circumstances of the transaction upon which they were to pass.

That impropriety was overcome by a proposal to read the minutes of the testimony taken at the court of inquiry, meagre as they were. These minutes have been extensively published and generally read in this and the adjoining states; and from what we can learn from travel, inquiry and observation, we may safely affirm that three-fourths, if not nine-tenths, of the people outside of Arlington have become perfectly satisfied—and that too from the testimony—that the respondents are not guilty of the crime charged.

In Arlington, where roughs are permitted to run rampant, where it has been judicially determined that the traffic in lager beer is not against law—that a person cannot there become intoxicated by drinking lager beer, and ergo if he does he is *legally* drunk—a different opinion to some extent prevails.

The decision of the Supreme Court was as laconic as it was strange and unexpected; and undoubtedly is indicative of something important beyond. It was about in these words: "The application of the prisoners is denied, and that is all we intend to say about it. The prisoners are remanded into custody."

It is needless to say that no decision was ever pronounced by the Supreme Court, which so astonished, nay shocked, the good people of Bennington county as did this. "What does that mean?" "Don't it beat all?" was asked by everybody, but which none answered. These questions will be continued to be asked so long as that decision is remembered. And the decision itself will be canvassed and questioned throughout the length and breadth of the land.

It is customary, at least usual, for the Supreme Court to advance some reasons, in the form of an opinion, for their decisions. This is not done so much, I suppose, for a justification to themselves, as to enlighten their inferiors; to establish a precedent as a guide, and an authority to be quoted before the same and other courts for time to come. Providentially, for the liberty of the citizen, the court seem to have intended never to incur the stigma of having this decision quoted.

We have read somewhere that reason was the *life* of the law. In this decision not only is there no reason given, but all reason, which is the life of its law, purposely suppressed by the court, as though it could not stand the test and light of its own life. It is not possible that the Supreme Court denied both respondents bail from a *consideration of the facts*. No indeed; to charge them with that, would impeach their understanding. We are aware that in view of the former publication of the evidence, and in view of the impending trial, it is not desirable to give a rehearsal of those facts, however brief. We should be accused of endeavoring to prejudice the public mind; would that the court had duly considered this question of prejudice. By their decision they have unnecessarily created more prejudice against the prisoners than all the writers in Vermont could do in their favor. The popular mind may very justly conclude that the court must have found against both respondents the elements of wilful and corrupt murder, or they would have admitted them to bail. And yet with an opportunity of knowing the facts equally with the court, how that can be they cannot possibly conceive. And so both court and their decision are regarded as blended into one insoluble, inexplicable doubt. Was there any want of form, or any irregularity in the proceedings, to induce the court to make the decision they did? If so, is that decision final? Then why, as in other cases, are we not entitled to know the grounds of that decision—and if not conclusive, afforded the opportunity of renewing the application in a less objectionable form? We are aware that in the action of book account, when a party refuses to answer a question, the law interprets his refusal into an answer strongly against him. Standing mute as a criminal, the law now graciously determines his silence to mean "not guilty," but a persistent reticence of the court means what?

From a remark that was made *ex cathedra*, though not by the Supreme Court, we conjecture one ground of their decision was, that *the case was without precedent*. Suppose it was; does it follow that everything without precedent is wrong and illegal? Better far to strike out on new ground than even to follow a precedent without principle. Many of Lord Mansfield's decisions were without precedent, but replete with principles, which the courts of the present day are proud to adopt. Any doubts as to precedent or anything else, we insist should be considered on the side of innocence and liberty, and not in favor of crime and incarceration.

Another conjectural ground is that the Court refused to go behind the finding of the Court of Inquiry, if his papers are correct; and somebody has been killed, or some act done, upon which that finding might be, however illegally, predicated. This doctrine would leave the accused in all cases of homicide, no matter how justifiable or accidental, to the august mercy of the justice of the peace whom some aspiring town grand juror, or some caterring State's Attorney might see fit to select. The great writ of *habeas corpus* becomes paralized, and the interference of the Supreme Court powerless, by the grave finding of a justice of the peace over a homicide. How preposterous! This doctrine, if it ever obtained, must have belonged to barbarous times; if it has a precedent it must have originated in Old Baily, and the man who would advance it at this age must be controlled by contracted and illiberal ideas. It is not consistent with the genius and institutions of a free people; it does not comport with either the letter or spirit of the statute; and is far removed from the simplicity of common sense.

We admit that where an inferior court has confined a refractory witness, or justly imprisoned a person for contempt, relief by habeas corpus has been denied, and the court below left in the exercise of those coercive and self-protecting powers which are necessarily incident to every court—and especially when neither malice nor injustice appears. But these instances are in no sense parallel, and in no wise analagous to the case under contemplation.

But, Mr. Editor, the case of Lawrence and Farwell is one of great hardship to them, and an important one to the people; it bears heavily upon every citizen of the state. By it the great writ of habeas corpus has been divested of much of its power and utility. It might be further and finally suspended without producing any serious commotion. We have it now only in name. It has become a sounding brass and a tinkling cymbal.

If our statutes in relation to this great writ are not sufficiently explicit, or the course of proceeding under it too meagre and indefinite, let us see to it next fall and supply the necessary legislation. Let us have such a writ of habeas corpus as we have all been taught to believe we had; one that shall reach every case of deprivation of personal liberty, and investigate the cause of such deprivation so far as to ascertain whether the same is justifiable and for sufficient reason, and "dispose of the party as law and justice shall require," without being barred or even prejudiced by the prior finding of some inferior magistrate. This question is of great public moment. It is public property, and the people will discuss it; and the press will not be slow or backward in its advancement. The people are fully satisfied that their great writ of right has been perverted, and great injustice has been done. All fear the precedent as a stepping stone in their own pathway.

If the court is right, then the law is wrong; if the law is right and all it should be, then the people will very properly consider the fault to be in the administration of that law, and ask for a speedy and ample remedy.

JUSTITIA.

Deaths.

Feb. 5th, in Chatham Village, Hon. Hiram D. Ford, aged 74 years.